

## LAND SURVEYORS SECTION MEETING

### MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 16, 2007, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

John R. McAden  
Nancy E. McIntyre  
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director  
Karen W. O'Neal, Deputy Director, Licensing and Regulation Division  
Mark N. Courtney, Executive Director  
Marian H. Brooks, Program Administrator  
Toni Robinson, Examination Manager  
Earlyne Perkins, Legal Analyst  
Michelle Gowen, Administrative Assistant  
Emily Trent, Administrative Assistant

No representative was present from the Office of the Attorney General.

Ms. McIntyre, Chair, called the meeting to order at 9:00 a.m.

#### Call to Order

Mr. McAden moved to approve the agenda. Mr. Stephenson seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

#### Approval of Agenda

**Public Comment Period** – No comments were made to the Section members.

#### Public Comment

David Delew was present to address the Section and stated that he has been in the profession for 30 years and licensed for 20 years with no complaints. Mr. Delew noted that he was not hired to do a boundary survey and therefore did not complete one.

#### File Number 2006-04492, David E. Delew

Regarding **File number 2006-04492, David E. Delew**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Delew. Mr. Stephenson moved to recommend that the Board accept the Consent Order which cites the following violations: 18 VAC 10-20-370.A (Count 1); 18 VAC 10-20-370.B (Count 2); 18 VAC 10-20-370.B (Count 3); 18 VAC 10-20-370.C.1 (Count 4); 18 VAC 10-20-370.C.1 (Count 5); 18 VAC 10-20-

370.C.2 (Count 6); 18 VAC 10-20-370.C.2 (Count 7); 18 VAC 10-20-370.C.3.a (Count 8); 18 VAC 10-20-370.C.3.a (Count 9); 18 VAC 10-20-370.C.3.b (Count 10); 18 VAC 10-20-370.C.3.b (Count 11); 18 VAC 10-20-370.C.4 (Count 12); 18 VAC 10-20-370.D.1 (Count 13); 18 VAC 10-20-370.D.2.b (Count 14); 18 VAC 10-20-370.D.2.d (Count 15); 18 VAC 10-20-370.D.2.j (Count 16); 18 VAC 10-20-370.D.2.k (Count 17); 18 VAC 10-20-370.D.2.m (Count 18); 18 VAC 10-20-370.D.2.n (Count 19); 18 VAC 10-20-370.D.2.o (Count 20); 18 VAC 10-20-760.B.1 (Count 21); 18 VAC 10-20-760.B.2 (Count 22); and 18 VAC 10-20-760.B.2 (Count 23) of the Board's 2002 regulations. For these violations Mr. Delew agrees to the following fines: \$500.00 for the violation contained in Count 1; \$125.00 for the violation contained in Count 2; \$125.00 for the violation contained in Count 3; \$125.00 for the violation contained in Count 4; \$125.00 for the violation contained in Count 5; \$125.00 for the violation contained in Count 6; \$125.00 for the violation contained in Count 7; \$125.00 for the violation contained in Count 8; \$125.00 for the violation contained in Count 9; \$125.00 for the violation contained in Count 10; \$125.00 for the violation contained in Count 11; \$250.00 for the violation contained in Count 12; \$250.00 for the violation contained in Count 13; \$250.00 for the violation contained in Count 14; \$250.00 for the violation contained in Count 15; \$250.00 for the violation contained in Count 16; \$100.00 for the violation contained in Count 17; \$100.00 for the violation contained in Count 18; \$500.00 for the violation contained in Count 19; \$500.00 for the violation contained in Count 20; \$250.00 for the violation contained in Count 21; \$125.00 for the violation contained in Count 22; and \$125.00 for the violation contained in Count 23; as well as \$150.00 in Board costs; for a total monetary penalty of \$4,850.00. In addition, for the violations of Counts 1 through 23, Mr. Delew also agrees to a two (2) year probation of his license from the effective date of this Order. During this two (2) year probation, Mr. Delew agrees to comply with the rules and regulations of the Board and revocation of his license if a valid complaint is filed against him. If the terms of this Order are violated, Mr. Delew agrees to the automatic revocation of his license. Mr. Delew also agrees to take and successfully complete an eight-hour course or seminar on the Board's Rules and Regulations and/or land boundary surveying within six (6) months of the effective date of this Order. Ms. McIntyre seconded the motion which was unanimously approved by members: McIntyre and Stephenson. As the reviewing Board member, Mr. McAden was not present during the discussion or vote.

Regarding **File Number 2007-02119, William Stuart Dunn**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Dunn. Mr. Stephenson moved to recommend that the Board accept the Consent Order which cites the following violations: 18 VAC 10-20-370.C.4 (Count 1); and 18 VAC 10-20-370.D.2 (Count 2) of the Board's 2002 regulations. For these violations, Mr. Dunn agrees to the following fines: \$250.00 for the

**File Number**  
**2007-02119,**  
**William Stuart**  
**Dunn**

violation contained in Count 1; and \$500.00 for the violation contained in Count 2; as well as \$150.00 in Board costs. In addition, Mr. Dunn also agrees to attend a minimum of six (6) hour class and/or seminar on land boundary surveying practice and/or Virginia law and regulations, or another equivalent course approved by the Board. Mr. Dunn agrees to provide proof of attendance and successful completion of the above referenced course within six (6) months of the effective date of this Order. Mr. Dunn acknowledged that satisfactory completion of the above referenced continuing education hours will not count towards any continuing education requirements, if applicable, for renewal of license. Ms. McIntyre seconded the motion which was unanimously approved by members: McIntyre and Stephenson. As the reviewing Board member, Mr. McAden was not present during the discussion or vote.

Mr. Courtney noted to the Section members that the Board does not have the authority to work with foreign entities and that *Engineers Australia* would have to attempt legislative changes to the *Code of Virginia* which would open the door for other countries and this could prove to be burdensome to the Board. After review and discussion, the Section members agreed to take no action at this time.

**Discussion of  
Request from  
Engineers  
Australia**

The Section members were provided with the draft proposed regulations for continuing education and the proposed wording from the Architects and Professional Engineers Sections. After discussion, the Section members agreed by consensus that the last sentence of 18 VAC 10-20-683.C.1 should read as follows:

**Review of Draft  
Proposed  
Wording for  
Continuing  
Education  
Requirements**

“The required continuing education credit hours may be in areas related to business practices including, but not limited to, project management, risk management, and ethics, which have demonstrated relevance to the licensee’s area of practice as defined in Chapter 4 of Title 54.1 of the *Code of Virginia*.”

Mr. Courtney noted to the Section members that their recommendation will be provided to the other Sections as they meet on this matter and then the recommendations of all the Sections will be brought before the Board in September for consideration and action.

Mr. Stephenson disclosed that he is a member of the Tidewater Community College Engineering Program Advisory Board and he believes he can be fair and impartial in reviewing this matter.

**Consideration of  
a Board  
Approved  
Program  
Pursuant to 18  
VAC 10-20-300-  
5**

The Section members were provided with a course outline of the Land Surveying Certificate Program at Tidewater Community College. Mr. Stephenson stated that Christopher Cartwright plans to attend the Board meeting in September to make a presentation and request approval for the

program. The Section members requested that Mr. Stephenson obtain a chart on how the credit hours are calculated. Mr. McAden made a motion to recommend that the Board approve the Land Surveying Certificate Program at Tidewater Community College as a Board approved program pursuant to 18 VAC 10-20-300.5. Ms. McIntyre seconded the motion which was unanimously approved by members: McAden, McIntyre and Stephenson.

Mr. Stephenson reviewed topics of interests which will be covered at the NCEES Annual Meeting which include as-builts and record drawings. The Section members also briefly discussed the NCEES Zone meeting to be held in Virginia in 2009.

**Discussion of  
Upcoming  
NCEES Annual  
Meeting**

The Section members were provided with various memorandums and notices from NCEES.

**Review  
Information  
from NCEES**

Mr. Courtney clarified that college credits for experience credit, pursuant to subsection 7 of regulation 18 VAC 10-20-300, is applicable to both SIT and LS applicants.

**Other Business**

The Section members took a break from 10:18 a.m. to 10:41 a.m.

**Break**

At 10:41 a.m., Mr. Stephenson moved that the meeting be recessed and that the Section immediately reconvene in closed meeting for the purpose of consultation and/or briefings by staff members pertaining to examination issues within the jurisdiction of the Board as permitted by § 2.2-3711.A.11 of the *Code of Virginia*. The following non-members will be present in attendance to reasonably aid the consideration of the topic: Mark Courtney and Toni Robinson. This motion was made with respect to the matters identified as agenda item 13, Other Business, Review of October 2007 Virginia 2-hour Examination. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

**Closed Meeting**

At 12:35 p.m., Mr. Stephenson moved to adjourn the closed meeting and to immediately reconvene in open meeting. Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

**Open Meeting**

**CERTIFICATION OF CLOSED MEETING**

**Certification of  
Closed Meeting**

**WHEREAS**, the Land Surveyors Section of the APELSCIDLA Board has convened a closed meeting on this date pursuant to an affirmative recorded vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, §2.2-3712 of the Code of Virginia requires a certification by the Land Surveyors Section of the APELSCIDLA Board that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Land Surveyors Section of the APELSCIDLA Board hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in the closed meeting to which the certification applies, and (II) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Land Surveyors Section of the APELSCIDLA Board.

**VOTE: 3-0**  
**AYES: McAden, McIntyre, Stephenson**  
**NAYS: 0**  
**ABSENT FROM MEETING: 0**

Mr. Stephenson made a motion to adopt the following Section meeting dates for 2008:

**Set 2008**  
**Meeting Dates**

Wednesday, February 20, 2008  
Wednesday, May 21, 2008  
Wednesday, August 20, 2008  
Wednesday, November 19, 2008.

Mr. McAden seconded the motion which was unanimously approved by members: McAden, McIntyre, and Stephenson.

Conflict of Interest forms were completed by all members present.

**Conflict of**  
**Interest Forms**  
**Adjourn**

There being no further business, the meeting was adjourned at 12:35 p.m.

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Nancy E. McIntyre, Chair

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Jay W. DeBoer, Secretary